

### **REMARKS/ARGUMENTS**

Claims 1-60 are pending in the present application. Claims 1-60 stand rejected under 35 U.S.C. § 101. Claims 1-8, 10, 14, 16-26 and 28 stand rejected under 35 U.S.C. § 102(b). Claims 9, 11-13, 15, 27 and 29-60 stand rejected under 35 U.S.C. § 103(a). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### **A. Specification**

The specification has been amended to address the Examiner's objection.

#### **B. Claims 1-60 Rejected Under 35 U.S.C. § 101**

Claims 1-60 stand rejected under 35 U.S.C. § 101. Claims 1-30 have been amended to recite a "client computing system." Claims 31-60 have been amended to recite a "set of executable instructions on a computer readable medium." Accordingly, Applicant respectfully submits that claims 1-60 fully comply with 35 U.S.C. § 101, and requests that the rejection be withdrawn.

#### **C. Claims 1-8, 10, 14, 16-26 and 28 Rejected Under 35 U.S.C. § 102(b)**

Claims 1-8, 10, 14, 16-26 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0120925 to Logan (hereinafter, "Logan"). Applicant respectfully traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 has been amended so that it now recites “receiving a video from a server, wherein the video is sent in response to a request by the client, wherein the video is a digital stream sent over a computer network.” Claim 1 has also been amended so that it now recites “displaying the video on a display device, wherein the video is displayed as it arrives from the server.” These amendments are supported by at least paragraph [03] of Applicant’s specification. Logan does not disclose the subject matter of amended claim 1.

Logan describes “[a] system for utilizing metadata created either at a central location for shared use by connected users...to enhance [the] user’s enjoyment of available broadcast programming content.” (Logan, abstract) Logan states that the “broadcast programming signals are received...either in the form of a live public broadcast from the source or as programming content received from the remote location via the communications link.” (Logan, par. [0048], lines 1-5) This is not the same as “receiving a video from a server...in response to a request by the client, wherein the video is a digital stream sent over a computer network,” as recited in amended claim 1. There is no mention of the user in Logan requesting the video, only that the video is either a “live public broadcast” or “programming content received from the remote location.” In either instance, Logan does not disclose the subject matter of amended claim 1.

In the case of a “live public broadcast,” there is no mention that the broadcast is “in response to a request by the client,” as recited in amended claim 1. To the contrary, the terms “public” and “broadcast” are antithetical to “receiving a video from a server...in response to a request by the client.” As best understood, a “live public broadcast” is sent without respect to the scheduling of any recipients. In contrast, in amended claim 1 the “video is sent in response to a request by the client.”

Although Logan refers to “programming content received from the remote location,” there is no indication that the programming content was requested by a client computing device, as required by claim 1. In addition, as best understood, the programming content in Logan is received in its entirety before any processing occurs. In contrast, amended claim 1 recites that “the video is displayed as it arrives from the server.” Programming content that is received in its entirety before

any processing occurs cannot reasonably be construed as “video [that] is displayed as it arrives from the server,” as recited in amended claim 1.

In view of the foregoing, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-8, 10, 14, and 16-19 depend from claim 1. Claim 20 has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claims 22-26 and 28 depend from claim 20. Accordingly, Applicant respectfully requests that the rejection of claims 2-8, 10, 14, 16-20, 22-26 and 28 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

In addition, Applicants respectfully submit the following additional reasons why dependent claims 16 and 17 are allowable.

Claim 16 has been amended so that it now recites “wherein playing the video segment comprises retrieving at least a portion of the video segment in parallel with playing a previous video segment in the playlist, wherein the retrieved video segment is chosen from the playlist.” This amendment is supported by at least paragraph [81] of Applicant’s specification. Logan does not disclose the subject matter of amended claim 16.

Logan states that “[a]utomatic or manual playback speed adjustments may [be] applied independently to different program streams displayed concurrently in a split screen or in a picture-in-picture (PIP) display.” (Logan, par. [0264], lines 12-15) This is not the same as “retrieving [a] portion of the video segment in parallel with playing a previous video segment in the playlist.” Specifically, Logan does not disclose any retrieving at all, especially performed in parallel with the playing of another video segment. Logan discloses different program streams being displayed concurrently, but there is no mention of “retrieving ... [a] video segment ... in parallel with playing a previous video segment in the playlist,” as recited in amended claim 16.

Moreover, in Logan the program streams that are displayed concurrently are not “chosen from [a] playlist,” as recited in amended claim 16. Logan does not state how the program streams that are displayed concurrently are chosen. Because Logan does not disclose the retrieving and

playing of video in parallel, and because Logan does not disclose the “retrieved video segment” being “chosen from [a] playlist,” Logan does not disclose the subject matter of amended claim 16. Accordingly, Applicant respectfully submits that this is an additional reason why claim 16 is allowable.

Claim 17 recites “wherein the amount of the video segment to be retrieved in parallel is determined by the client while creating the playlist.” The Examiner cites paragraph [0274] of Logan as disclosing this. (Office Action, page 6) Applicant respectfully disagrees.

The cited portion of Logan states that “[t]he user may designate a preferred session length for the playlist” where “[o]nly those program segments...[that] have an (sic) combined playing time that approximates the requested session length are included in the playlist.” This is not the same as Applicant’s claim 17. The session length in Logan refers to the entire playlist, not simply a video segment in the playlist. Logan clearly states that the “combined playing time” of the program segments in the playlist should “approximate the requested session length.” (Logan, par. [0274]) For instance, Logan states that “commuters” may “designate a preferred session length” that is “related to the average transit time to or from work.” (Id.) This is setting the duration of an entire playlist, not a video segment within a playlist. In contrast, the “video segment” claimed by Applicant is merely one of the video segments in a playlist to be retrieved, not the playlist itself. Accordingly, Applicant respectfully submits that this is an additional reason why claim 17 is allowable.

Claims 2 and 21 have been canceled. Accordingly, Applicant respectfully requests that the rejection of claims 2 and 21 be withdrawn.

D. Claims 9, 27, 31-40, 42 and 44-60 Rejected Under 35 U.S.C. § 103(a)

Claims 9, 27, 31-40, 42 and 44-60 stand rejected under 35 U.S.C. § 103(a) based on Logan in view of U.S. Patent Application Publication No. 2002/0069218 to Sull et al. (hereinafter, “Sull”), and in further view of “SMIL 2.0, XML for Web Multimedia” to Rutledge (hereinafter, “Rutledge”). Applicant respectfully traverses.

Claim 9 depends from claim 1. Claim 27 depends from claim 20, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claim 31 has also been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claims 32-33, 35-40, 42 and 44 depend from claim 31. Accordingly, Applicant respectfully requests that the rejection of claims 9, 27, 31-33, 35-40, 42 and 44 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

Claims 34 and 45-60 have been canceled. Accordingly, Applicant respectfully requests that the rejection of claims 34 and 45-60 be withdrawn.

E. Claims 11-13, 29, 30 and 41 Rejected Under 35 U.S.C. § 103(a)

Claims 11-13, 29, 30 and 41 stand rejected under 35 U.S.C. § 103(a) based on Logan in view of Sull. Applicant respectfully traverses.

Claims 11-13 depend from claim 1. Claims 29 and 30 depend from claim 20, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claim 41 depends from claim 31, which has also been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 11-13, 29, 30 and 41 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

F. Claims 15 and 43 Rejected Under 35 U.S.C. § 103(a)

Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) based on Logan in view of “A Multimedia Semantic Model for RTSP-Based Multimedia Software Engineering” to Shu-Ching (hereinafter, “Shu-Ching”). Applicant respectfully traverses.

Claim 15 depends from claim 1. Claim 43 depends from claim 31, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to

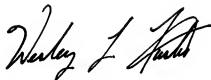
Appl. No. 10/675,887  
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Reply to Office Action of December 27, 2007

claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 15 and 43 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

G. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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